

Remarks

Claims 1-11 are pending in the present application. Claims 1-11 are rejected.

***Rejection Pursuant to 35 U.S.C. §112, First Paragraph***

In the Office Action, claims 1-11 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In support of that rejection, it is asserted the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner noted that applicants' submission of Exhibit A in the Amendment filed on 2 October 2006 clarified the originally taught "NBD" is a well known abbreviation for 7-Nitro-benz-2,1,3-oxadiazol. The Examiner further noted "when the Office enters 7-Nitro-benz-2,1,3-oxadiazol into a 'Chemdraw' program, it appears a different chemical composition was drawn than is presently claimed. Clarification could be achieved if Applicants could supply corroborating evidence that claimed structure is 7-Nitro-benz-2,1,3-oxadiazol."

Also in the Office Action, the Examiner acknowledged that applicants' submission of Exhibit A in the 10/2/06 response clarified the originally taught "NBD" is a well known abbreviation for 7-Nitro-benz-2,1,3-oxadiazol and that the rejection had been overcome. However, the Examiner further noted that applicants are silent if the claimed structure is 7-Nitro-benz-2,1,3-oxadiazol. In addition, the Examiner asked that the references cited in Exhibit A be submitted on a PTO-1449, and that the Office would consider such an IDS after final as these references are only being cited to corroborate the abbreviation of "NBD" and 7-Nitro-benz-2,1,3-oxadiazol. An information disclosure statement is enclosed herewith, in accordance with the Examiners request.

Applicants thank the Examiner for the telephonic interview that was conducted with the undersigned on 2 April 2007, with respect to the present case. As noted in the Interview Summary mailed on 4 April 2007, the Office would consider the following remarks.

Claim 1 is directed to a method for detecting an analyte by a redox reaction and a fluorimetric determination comprising, *inter alia*, contacting a sample containing the analyte with a detection reagent which contains a compound of the general formula (I) as a fluorimetric redox indicator. Compound I is not 7-Nitro-benz-2,1,3-oxadiazol, but is the N-oxide of NBD-amine or derivatives thereof (see para. [0009]). Fig. 1 of the present application, in accordance with an embodiment of the present invention, shows an N-oxide of a derivative of NBD-amine, i.e., the N-oxide of N,N-di(hydroxyethyl)-NBD amine. Applicants submit that the present application is in compliance with the statute and respectfully request that the rejection be withdrawn.

Conclusion

Applicants have filed a complete response to the outstanding Office Action and respectfully submit that, in view of the above amendments and remarks, the application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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